

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD J. MITCHELL,	:	
Plaintiff,	:	
v.	:	Case No. 3:06-180-KRG-KAP
KAREN GERSHEN, <u>et al.</u> ,	:	
Defendants	:	

MEMORANDUM ORDER

This matter has been referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge, after screening the complaint pursuant to 28 U.S.C. § 1915A, filed a Report and Recommendation on March 9, 2007, docket no. 9, recommending that the complaint be dismissed for failure to state a claim as to all defendants except Mark McDonnell.

The plaintiff was notified, pursuant to 28 U.S.C. § 636(b)(1), that he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 7, which are meritless, and an amended complaint, docket no. 6, which suffers from the same defects: plaintiff does not state a claim against the defendants other than McDonnell by alleging that they are supervisory personnel or should have known about his condition because they were aware of plaintiff's complaints.

Upon de novo review of the record of this matter, including the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 29<sup>th</sup> day of March 2007, it is

ORDERED that the Amended Complaint is dismissed as to defendants Bopp, Gershen, and Skerl for failure to state a claim. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written in a larger, more prominent script, followed by "R." and "Gibson". The signature is positioned above a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Ronald J. Mitchell GG-0833  
S.C.I. Cresson  
P.O. Box A  
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